

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 311 of 2005

Between:

Sri Viswa Bharathi aided Upper Primary School, IX Ward,
Kadapa, Kadapa District, rep. by its Correspondent S. Shafi
Ahmed.

... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by Principal

Secretary, Education Department, Secretariat Buildings,

Hyderabad.

2 The Commissioner and Director of School Education, Andhra

Pradesh, Hyderabad.

3 The District Educational Officer, Kadapa, Kadapa District.

4 M. Atul Rehman, S/o M. Hussain Peeran Saheb,
R/o H.No. 16/495, Madimpalli Street, Proddatur Town, Kadapa

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not considering the petition for interim suspension of impugned order of the 2nd respondent in his proceedings Rc.No. 535/B2-2/2000 dated 13-6-2000 pending disposal of the Appeal, as bad, arbitrary, illegal and violation of principles of natural justice and consequently direct the 1st respondent to hear and dispose of the appeal as early as possible.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court, at the admission stage, made the following order:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in not considering the petition for interim suspension of the impugned order of the second respondent in his Proceedings Rc.No.535/B2-2/2000 dated 13-06-2000 as arbitrary and illegal and to direct him to hear and dispose of the appeal.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Education and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Petitioner who is the Correspondent of Sri Viswa Bharathi Aided Upper Primary School states that as against the impugned order passed by the second respondent in Rc.No.535/B2-2/2000 dated 13-06-2000, he preferred an appeal before the first respondent along with an application for interim suspension of the order dated 13-06-2000 passed by the second respondent, as directed by this Court in W.A. No.121 of 2004, dated 12-2-2004, but even though seven months had elapsed, the first respondent has neither disposed of the appeal nor passed any orders on the interlocutory application. It is contended that basing on the order passed by the second respondent dated 13-6-2000, the fourth respondent filed O.S.No.7 of 2000 on the file of the learned Senior Civil Judge, Kadapa against the petitioner claiming an amount of Rs.1,22,116/- towards salary and other allowances along with interest and the Court below fixed 10-02-2005 as the date for final arguments.

4. Inasmuch as the order appealed before the first respondent, has become subject matter of the suit filed by the fourth respondent, and in the event the suit is allowed, nothing would remain for adjudication in the appeal.

5. Under those circumstances, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the first respondent to either dispose of the appeal, filed by the petitioner under Section 89 of the A.P. Education Act, 1982 or consider passing orders in the interlocutory application filed in the appeal, within a period of ten days from today, in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

N.V. RAMANA, J

-

January 19, 2005

Note: Furnish copy tomorrow

(B/o)

MRR / KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The Principal Secretary, Education Department, Government of Andhra

Pradesh, Secretariat Buildings, Hyderabad.

2 The Commissioner and Director of School Education, Andhra

Pradesh, Hyderabad.

3 The District Educational Officer, Kadapa, Kadapa District.

4 Two C.C. s to the G.P. for Education, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.